

Remarks

Claims 23-25 and 27-33 are currently pending in this application.

The Office Action rejected claim 1¹ under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 23-25 and 27-29 under 35 U.S.C. § 102(e) as being anticipated by Deleonibus (U.S. Patent No. 6,091,076); rejected claims 23-25 and 27-31 under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi et al. (U.S. Patent No. 5,341,028) in view of Imai (U.S. Patent No. 6,297,529); rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi et al. in view of Gardner et al. (U.S. Patent No. 6,096,615); rejected claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Yamaguchi et al. in view of Gardner et al., and further in view of Imai; rejected claim 32 under 35 U.S.C. § 103(a) as being unpatentable over Deleonibus in view of Gardner et al.; and rejected claim 33 under 35 U.S.C. § 103(a) as being unpatentable over Deleonibus in view of Gardner et al., and further in view of Imai.

With regard to the Section 112, second paragraph, rejection, Applicants have amended claim 23 to correct the antecedent basis for “the semiconductor material”. However, Applicants believe that the claim term “the exposed portion” does have antecedent basis because claim 23 recites “diffusion regions formed in the semiconductor layer adjacent to the extension regions such that a *portion* of at least one of the extension regions is *exposed* at a surface of the semiconductor layer” (emphasis supplied). Applicants, therefore, respectfully request reconsideration and withdrawal of the Section 112 rejection of claim 1 [23].

Applicants respectfully traverse the prior art rejections of the claims, for the following reasons. The Office Action construed areas (8, 10) of Deleonibus as extension regions and layer (20)

¹ This appears to be an error since claim 1 was withdrawn. It is assumed in this response that the Office Action meant to reject claim 23 under Section 112, second paragraph.

as a gate conductor. However, as shown in Fig. 1 of Deleonibus (reproduced below), extension regions (8, 10) do not extend under and contact the spacers (24, 26) and a portion of the gate conductor (20). Rather, a grid insulation layer (18) is interposed between extension regions (8, 10) and spacers (24, 26) and gate conductor (20).

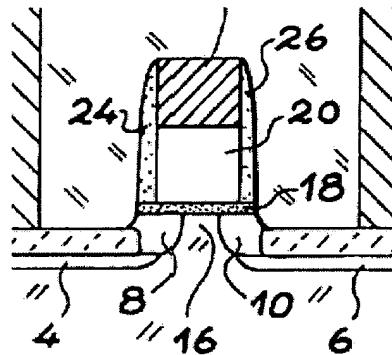
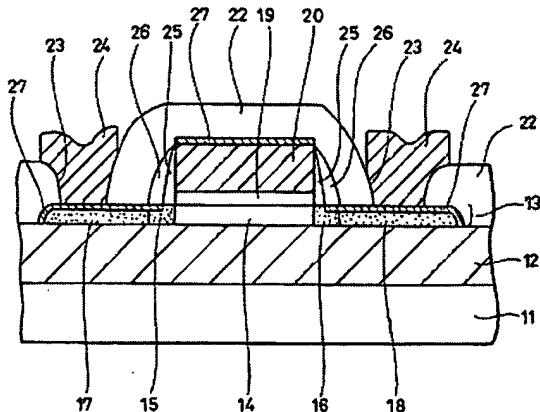


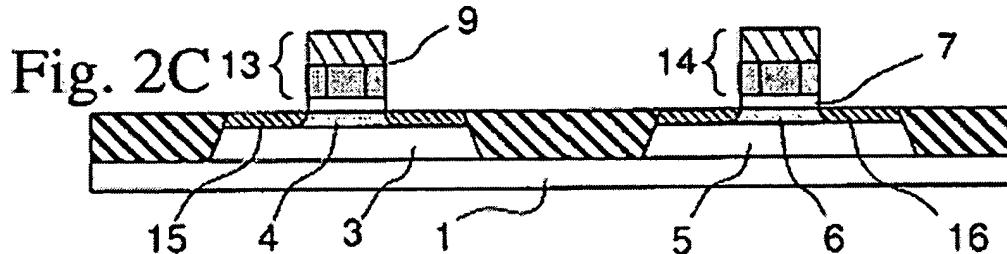
FIG. 1

The Office Action construed regions (15, 16) of Yamaguchi et al. as extension regions and gate electrode (20) as a gate conductor. However, as shown in Fig. 5 of Yamaguchi et al. (reproduced below), extension regions (15, 16) do not extend under and contact a portion of the gate conductor (20).

FIG. 5



The Office Action construed regions (16) of Imai as extension regions and layers (14) as a gate conductor. However, as shown in Fig. 2C of Imai (reproduced below), extension regions (16) do not extend under and contact a portion of the gate conductor (14).



Similarly, Gardner et al. fail to disclose extension regions extending under and contacting spacers and a portion of a gate conductor.

In contrast to the prior art relied upon in the Office Action, the present invention recited in claims 23-25 and 27-33 comprises a combination of elements, including extension regions extending under and contacting spacers and a portion of a gate conductor. Since none of the references relied upon in the Office Action disclose extension regions extending under and contacting spacers and a portion of a gate conductor, Applicants believe that claims 23-25 and 27-33 are patentably distinguishable over Deleonibus, Yamaguchi et al., Imai, and Gardner et al., whether taken alone or in any reasonable combination. Applicants, therefore, request reconsideration and withdrawal of the Sections 102(e) and 103(a) rejections of the pending claims.

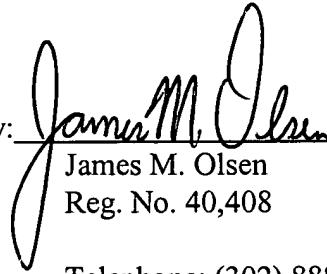
In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

Application No. 09/978,528
Amendment dated January 6, 2004
Reply to Office Action of October 6, 2003

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 03-2775. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

CONNOLLY BOVE LODGE & HUTZ LLP

By:  _____

James M. Olsen
Reg. No. 40,408

Telephone: (302) 888-6256
Facsimile: (302) 255-4256

Dated: January 6, 2004